

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION This Document Relates to Plaintiff(s): <u>Sarah R. Mobley and Kenneth Mobley</u>	No. MD-15-02641-PHX-DGC Civil Case No: SHORT FORM COMPLAINT
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Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party: Sarah Rosalie Mobley
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim: Kenneth Mobley
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator): Not applicable
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant: Missouri
5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury: Minnesota

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence: Minnesota

7. District Court and Division in which venue would be proper absent direct filing:
United States District Court, Western District of Missouri, Southern Division

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard Inc.

X Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☐ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master

Complaint: Not applicable

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

X G2® Express (G2®X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

Other: _____

11. Date of Implantation as to each product: 07/14/2009

12. Counts in the Master Complaint brought by Plaintiff(s):

X	Count I: Strict Product Liability – Manufacturing Defect
X	Count II: Strict Product Liability – Information Defect (Failure to Warn)
X	Count III: Strict Product Liability – Design Defect
X	Count IV: Negligence – Design

X	Count V: Negligence – Manufacture
X	Count VI: Negligence – Failure to Recall/Retrofit
X	Count VII: Negligence – Failure to Warn
X	Count VIII: Negligent – Misrepresentation
X	Count IX: Negligent Per Se
X	Count X: Breach of Express Warranty
X	Count XI: Breach of Implied Warranty
X	Count XII: Fraudulent Misrepresentation
X	Count XIII: Fraudulent Concealment
X	Count XIV: Violations of Applicable <u>Missouri</u> Law Prohibiting consumer Fraud and Unfair and Deceptive Trade Practices
X	Count XV: Loss of Consortium
	Count XVI: Wrongful Death
	Count XVII: Survival for Punitive
	Other(s): _____ (please state the facts supporting)

13. Jury Trial demanded for all issues so triable? Yes

Respectfully submitted this 11th day of July, 2017.

/s/ Barry D. Levy
Barry D. Levy – (OH Reg #0018986)
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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2017, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing, richard.north@nelsonmullins.com; maria.turner@nelsonmullins.com; and matthew.lerner@nelsonmullins.com.

/s/ Barry D. Levy

Barry D. Levy - 0018986

Attorney for Plaintiffs